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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/746,065	12/26/2000	Daijiro Inoue	001700	1991
23850	7590 07/29/2003	•		
ARMSTRONG, WESTERMAN & HATTORI, LLP			EXAMINER	
1725 K STREET, NW SUITE 1000			RODRIGUEZ, ARMANDO	
WASHINGTO	ON, DC 20006		ART UNIT	PAPER NUMBER
			2828	
			DATE MAILED: 07/29/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

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## **Advisory Action**

Applic Applicati n No. INOUE 09/746,065 Art Un Examiner Armando Rodriguez 2828

-- The MAILING DATE of this communication app ars n the cover sheet with the c rrespondence address --

THE REPLY FILED 09 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a

A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  Applicant's reply has overcome the following rejection(s):  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  The all affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) objected to:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  B the proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  Paul Ip  Supervisor	final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.	
the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, histohewar is later. In no event, however, will be statutory period for reply expire set the als XM ANTHS from the mailing date of the final rejection. ONLY CHECK TRIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Exhaptions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension has been dead 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Original set under 37 CFR 1.191(d), to about a final rejection, even if mely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  The proposed armendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they raise the issue of new matter (see Note below);  (d) they raise the issue of new matter (see Note below);  (e) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they are not deemed to place the application in better form for appeal by materially rejected claims.  NOTE:	PERIOD FOR REPLY [check either a) or b)]	
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY OFHCEK THIS BOX WHEN THE ITRIST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension be have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see under 37 CFR 1.179(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if mely filed, may reduce any examely abent turn adjustment. See 37 CFR 1.704(b).  A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they raise the issue of new matter (see Note below);  (d) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they are not deemed to place the application in better form for appeal by materially rejected claims.  NOTE:	a) $\boxtimes$ The period for reply expires <u>3</u> months from the mailing date of the final rejection.	
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<ul> <li>2.</li></ul>	1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in	
(a)		
(b)		
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Advis ry Action

Part of Paper No. 10

Continuation of 5. does NOT place the application in condition for allowance because: On page 5 applicant's arguments rely on unexpected superior results of the claimed thickness of the layer recited in claim 1; applicant's attention is directed to MPEP 716.01 and requested to submit an affidavit or declaration according to 37 CFR 1.132, as evidence for the unexpected superior results.